

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services adopts new Chapter 106, "Safety Standards for Children's Centers," Iowa Administrative Code.

This amendment establishes safety and facility standards for children's centers. Iowa Code chapter 237B requires the Department to establish broad facility standards for the protection of children. Chapter 106 covers definitions; application of the standards; provision of basic needs; protection from mistreatment, physical abuse, sexual abuse, and neglect; record checks; seclusion and restraints; health; safety; emergencies; and buildings.

Iowa Code chapter 237B prohibits adoption of program standards or other requirements involving program development or oversight of the programs provided to the children served by a children's center and does not delegate regulatory or enforcement authority to the Department or any other state agency. Thus, these rules do not establish a certification or licensure process or provide for enforcement.

Notice of Intended Action on this amendment was published in the Iowa Administrative Bulletin on May 20, 2009, as **ARC 7769B**. The Department received two comments on the Notice of Intended Action. In response to these comments and to legislation enacted in 2009 Iowa Acts, House File 811, the Department has made the following changes to the rules as published under Notice of Intended Action:

- Added new paragraph "f" to subrule 106.5(5) to read as follows: "The likelihood that the person will commit the crime or founded abuse again." This provision matches the foster group care criteria for evaluating background checks that reveal abuse or crimes. Ensuring that children's center standards are substantially equivalent to group care standards is a mandate of 2009 Iowa Acts, House File 811.

- Added new paragraph "d" to subrule 106.8(4) to read as follows: "A children's center shall have proof of current insurance that covers all vehicles and drivers used to transport children."

This amendment does not provide for waivers in specified situations because the rules do not require compliance and the Department has no enforcement authority.

The Council on Human Services adopted this amendment on July 8, 2009.

This amendment is intended to implement Iowa Code chapter 237B as amended by 2009 Iowa Acts, House File 811, section 131.

This amendment shall become effective on September 2, 2009.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 106] is being omitted. Except for the changes noted above, these rules are identical to those published under Notice as **ARC 7769B**, IAB 5/20/09.

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[For replacement pages for IAC, see IAC Supplement 7/29/09.]